

Remarks/Arguments:

Claims 1-20 are pending in the application. The Office Action rejects all of the pending claims. For all of the reasons set forth below, the applicant respectfully traverses the rejections, and respectfully submits that as amended, the claims are now in condition for allowance. Re-examination is respectfully requested in light of these amendments and remarks.

Amendment to the Title

The title has been amended to read "ENHANCED-DRAINING AND/OR STAGNANT-POCKET-MINIMIZING INSTRUMENT TEE." The title as originally filed was "IMPROVED-DRAINING AND/OR STAGNANT-POCKET-MINIMIZING INSTRUMENT TEE," but the Office automatically removed the term "IMPROVED" upon generation of the filing receipt, rendering the current title as entered in the USPTO system nonsensical.

Rejections under 35 U.S.C. § 112

The Office Action rejects claims 4, 5, and 15-20 under 35 U.S.C. § 112 as being indefinite. In particular, the Office Action objects to the language "vertically offset," "rolled position," and "at least as high as a level of fluid required for contact with a portion of the instrument." The subject claims have been amended to define the invention in terms of relative axes and planar relationships. These amendments merely clarify the claims as originally filed. The applicant respectfully submits that no new matter has been added, as the relationships recited in the amended claims are inherent in the drawings and specification as originally filed. For example, the term vertical axis as defined in claim 19 is consistent with the relationship of vertical axis V as compared to fluid line F in Fig. 2.

Rejections under 35 U.S.C. § 102 -- Arima et al.

The Office Action rejects claims 1-4 and 13-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,708,372 to Arima et al. ("Arima"). Arima does not disclose an instrument tee having a *non-flow-bearing* instrument-mounting opening at the top of the tee or a cup having a bottom. Rather, Arima discloses a cross piping construction for a header in a boiling water reactor in which all passages receive fluid flow. While Arima has no central axis as recited by the applicant because there is no defined instrument mounting opening, all of the axes of all of the flow passages intersect one another (see Figs. 8, 9), so even if one axis is randomly chosen as the central axis, Arima still fails to disclose a structure in which at least one axis does not intersect the central axis, as claimed by the applicant. Similarly, no combination of arbitrarily assigned inlet, outlet, and central axes in Arima defines a difference in spacing as claimed by the applicant in claims 4 and 15-20.

Rejections under 35 U.S.C. § 102 -- Hitachi et al.

The Office Action rejects claims 1-9 and 15-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,992,904 to Hitachi et al. ("Hitachi"). Hitachi also fails to disclose an instrument tee having a *non-flow-bearing* instrument-mounting opening at the top of the tee. Rather, Hitachi discloses a branch pipe joint for high-pressure fluids in which the flow path is defined by fluid flowing through conduit 1-1 and out through branch hole 1-2 into branch pipe 2. Furthermore, in addition to Hitachi failing to disclose the central axis as defined

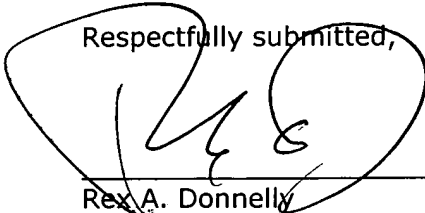
by the applicant because Hitachi fails to disclose a non-flow-bearing instrument mounting opening, even if the branch pipe were improperly considered a central axis, Hitachi still fails to disclose the difference in spacing defined in claims 4, 5, and 15-20.

Rejections under 35 U.S.C. § 102 -- Rosaen

The Office Action rejects claims 1-3 and 10-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,282,102 to Rosaen. Rosaen discloses a flow indicator in which fluid flows in a path from inlet 52 to outlet 54 and in which the flow rate is indicated by the degree of rotation of vane member 44. Pin 30 prevents rotation of the vane member past a desired fully open position. See Col. 4, lines 40-75. Thus, Rosaen is itself an instrument, not an instrument tee, and there is no central axis as defined by the applicant, because there is no instrument mounting opening. Although pin 30 is mounted in a non-flow-bearing opening, pin 30 is not an instrument. Furthermore, even if one improperly considered pin 30 to define a central axis, the inlet and outlet axes as shown in Rosaen intersect with the axis defined by pin 30, which further distinguishes it from the applicant's claimed device.

Summary

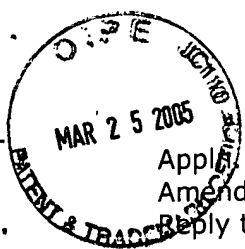
For all of the above reasons, the cited references fail to teach or suggest the invention as recited in the applicant's claims, as amended. Accordingly, the applicant respectfully submits that the all of the rejections should be withdrawn and the pending claims allowed.

Respectfully submitted,

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